IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

Bail Appl..No. 984 of 2007()

LP.25/2003 of JFMC. - I, PONNANI

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PETITIONER/ACCUSED:

HANEEFA, S/O.N.K.KOYA, MULLATHEL HOUSE,
THAMARASSERY, MARANCHERRY.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENT/STATE:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 984 OF 2007

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DATED THIS THE 20th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in Crime No.84/94 of Perumpadappu Police Station for offences punishable under sections 323, 324 and 325 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the J.F.C.M., Ponnani in C.C.118/94, the case against the petitioner was transferred to the long pending register as L.P.No.25/03. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the explanation offered by the petitioner for his previous non-appearance. Until such consideration, warrants, if any, pending against the petitioner shall not be executed.

V.RAMKUMAR, JUDGE

dsn